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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,836	12/08/2000	Edwin H. Wrench JR.	0918.0011C	1865

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT PAPER NUMBER

2137

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/731,836

Applicant(s)

WRENCH, EDWIN H.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION**

1. Claims 1-36 are pending.
2. Amendment filed 07/26/2005 has been received and considered.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-19 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The above claims relate merely to a carrier signal that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

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the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (6484263), further in view of Kanevsky et al (US 5953700) and further in view of Carter et al (US 6266418).

As per claims 1, 12, 16, 20, 31, and 34, Liu discloses a network accessed by a network interface including a voice browser for receiving voice signals from a user and accessing and navigating web sites in accordance with said received voice signals, said system comprising: a security module to facilitate retrieval of information from said user in the form of voice signals and to identify security related information received by said network interface from a secure web site in response to said voice browser accessing said secure web site based on voice commands from said user, a storage unit to store voice and security information associated with authorized users of said systems wherein said security a security system to communicate with said security module and said storage unit and to process for said network interface said identified security information wherein said security system includes: a verification module to verify said user as an authorized system user; a retrieval

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module to retrieve said security information of said verified user from said storage unit (see column 3 lines 20-67).

Liu fails to disclose the authorization being a comparison of the user voice signals with the stored voice information being stored remotely and also fails to disclose negotiating parameters for a secure session.

However, Kanevsky teaches comparing and storing information remotely (see column 7 line 60 through column 8 line 6) and Carter teaches negotiating parameters (see column 8 lines 6-34).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to store Liu's information remotely as in Kanevsky and to negotiate parameters as in Carter.

Motivation to do so would have been to allow for the use of portable devices (see Kanevsky column 7 lines 20-39) and to determine the encryption algorithm to be used in the secure session (see Carter column 8 lines 6-19).

As per claims 2, 21, 32 and 35, the modified Liu, Kanevsky and Carter system discloses the network includes the Internet (see Liu column 3 lines 20-67).

As per claims 3, 22, 33 and 36, the modified Liu, Kanevsky and Carter system discloses the network interface is in communication with a communications device located remotely of

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said network interface, and said security module facilitates retrieval of said user voice signals from said communications device (see Kanevsky column 7 line 60 through column 8 line 6 and Liu column 3 lines 20-67).

As per claims 4-6 and 23-25, the modified Liu, Kanevsky and Carter system discloses the communications device includes a telephone, and a computer system with a microphone (see Kanevsky column 6 lines 40-64).

As per claims 7, 13, 17 and 26, the modified Liu, Kanevsky and Carter system discloses an identification module to identify said security related information received by said network interface from said secure web site; a communications module to facilitate communications with said security system and said network interface, wherein said communications module includes; a send module to provide said user information and said identified security information to said security system to facilitate verification of said user and negotiation of said communication parameters; a receive module to receive a request for said user information, verification results, responses to said identified security information and said negotiated communication parameters from said security system; and an interface module for providing said responses and said negotiated parameters to said network interface to facilitate

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secure communications over said network between said secure web site and said voice browser; and a user interface module to facilitate said user information request for retrieval of said user information and to provide said verification results to said user (see Liu column 3 lines 20-67 as modified by Kanevsky and Carter in the above claims).

As per claims 8, 14, 18 and 27, the modified Liu, Kanevsky and Carter system discloses an identification verification module to validate an identification within said user information associated with an authorized system user; an access module to retrieve said voice information from said storage unit associated with said identification; a selection module to select portions of said retrieved voice information and generate said user information request, wherein said generated request includes a request for user information corresponding to said selected portions of said retrieved voice information, and wherein said verification module verifies said user by comparing said user voice signals received from said security module in response to said user information request with said stored voice information associated with an authorized user identified by said identification and said negotiation module processes said identified security information received from said security module and generates said responses thereto with said retrieved

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security information to negotiate said communication parameters; and a security communications module to facilitate communications with said security module, wherein said security communications module includes: a security send module to provide said user information request, said verification results, said generated responses and said negotiated parameters to said security module; and a security receive module to receive said user voice signals and said identified security information from said security module (see Liu column 3 lines 20-67 as modified by Kanevsky and Carter in the above claims).

As per claims 9 and 28 the modified Liu, Kanevsky and Carter system discloses the storage unit includes a database (see Kanevsky column 7 line 60 through column 8 line 6).

As per claims 11, 15, 19 and 30, the modified Liu, Kanevsky and Carter system discloses an enrollment module to retrieve voice signals from said authorized system users and process said authorized system user voice signals to produce said voice information for storage in said storage unit (see Kanevsky column 7 line 60 through column 8 line 6).

6. Claims 10 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Liu, Kanevsky and Carter system as applied to claims 2 and 21 above, and further in view of Barney et al (US 5341426).



As per claims 10 and 29, the modified Liu, Kanevsky and Carter system fails to disclose stored security information includes private keys and certificates of said authorized system users.

However Barney et al teaches such cryptographic information (see column 5 lines 57-65).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Barney et al's cryptographic information in the modified Liu, Kanevsky and Carter system.

Motivation to do so would have been require a user to have authenticated authorization to engage in secure communications (see Barney et al column 5 lines 57-65).

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-36 regarding the Piotrowski reference have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's arguments filed 07/26/2005 have been fully considered but they are not persuasive. Applicant argues that the rejection of claims 16-19 under 35 USC 101 was improper. Applicant argues Liu fails to disclose verifying a user by comparing user voice signals with stored voice information of

authorized users; the browser identifying security information from a secure web site for transfer to a security system; or a security system or negotiation unit to negotiate security parameters for the browser to conduct a secure session with a secure web site and remote storage of security information enabling negotiation of communication parameters for the network interface to establish a secure session. Applicant further argues Carter fails to disclose a secure session between a voice responsive network interface and a secure web site or, for that matter, verifying a user as an authorized user based on a comparison of user voice signals with stored voice information of authorized users; remotely storing user security information from the network interface; and a security system or negotiation unit negotiating communication parameters with a secure web site for the network interface to enable a secure session between a secure web site and voice browser.

Regarding Applicant's argument that claims 16-19 were improperly rejected under 35 USC 101, the carrier signal contains program logic that is nonfunctional descriptive material which is non-statutory see MPEP 2106 IV B 1(b).

Regarding Applicant's argument with respect to the Liu reference, Kanevsky is now relied upon for verifying a user by comparing user voice signals with stored voice information of

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authorized users; Liu teaches the browser identifying security information from a secure web site for transfer to a security system in column 3 lines 42-55; and Examiner relies upon Kanevsky and Carter for teachings of a security system or negotiation unit to negotiate security parameters for the browser to conduct a secure session with a secure web site and remote storage of security information enabling negotiation of communication parameters for the network interface to establish a secure session.

Regarding Applicant's arguments with respect to the Carter reference, Carter is only relied upon for the teaching of negotiating communication parameters with a secure web site and creating a secure session (as seen in column 8 lines 6-19). Liu and Kanevsky teach the other limitations Applicant alleges Carter fails to disclose.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Seazholtz et al (US 5594789) and Sarukkai (US 20020052747) teach a remote voice authentication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael

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Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

  
**EMMANUEL L. MOISE**  
**SUPERVISORY PATENT EXAMINER**